

Remarks

Applicant has carefully reviewed the application in response to the February 9, 2006 Advisory Action. To further the prosecution, Applicant has amended claims 1, 12, and 13 to clarify the concepts claimed therein. For at least the reasons given below, Applicant submits that the presently pending claims are allowable.

Telephone Conference

Applicant thanks the Examiner for conducting a telephone conference with their attorney, William R. Borchers, on February 14, 2006. During the conference, the Examiner and Applicant's attorney discussed claim 1 with reference to U.S. Patent No. 6,272,401. While the Examiner indicated that the previously presented arguments distinguished over the patent, the Examiner did not believe that the claim language was clear. No agreement was reached on appropriate language.

Amendments

Applicant has amended claims 1, 12, and 13 to clarify that valve information may be obtained while the valve operates in response to setpoints determined for controlling a plant process in which the valve is operating. In such a process, the valve may be one of a number of valves and/or other fluid regulation components working together to produce a desired result (e.g., refining, mixing, separating, pressurizing, and/or otherwise modifying one or more fluids).

Applicant : Larry Schoonover  
Serial No. : 10/777,437  
Filed : February 12, 2004  
Page : 7 of 7

Attorney Docket No.: 15826-222001/MN-eTech-001

Conclusion

Applicant submits that a good faith effort has been made to advance the prosecution of this application and that the claims are in condition for allowance. Applicant therefore requests favorable action. If the Examiner believes that the prosecution may be advanced by a telephone conference, Applicant encourages the Examiner to contact the below-listed attorney.

Applicant does not believe that any fees are required by this paper. If Applicant is mistaken, please apply any charges or credits to deposit account 06-1050, with reference to the above attorney docket number.

Respectfully submitted,

Date: February 23, 2006

William R. Borchers  
William R. Borchers  
Reg. No. 44,549

**PTO Customer No. 26231**  
Fish & Richardson P.C.  
1717 Main Street  
Suite 5000  
Dallas, Texas 75201  
Telephone: (214) 292-4075  
Facsimile: (214) 747-2091